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February 11, 2004

MEMORANDUM TO: Members, Plan Implementation Committee

FROM: Vanessa Zoe Morin, Research Analyst

RE: State Planning Commission State Planning Rules:
 Subchapter 1

Attached is the State Planning Rule proposal for Subchapter 1. The document is comprised of the changes contained in the rule proposal (additions are **bold** and deletions are [bracketed]) and the proposed changes based on comments and proposed Commission initiated changes (tracking changes format).

In addition to the technical and grammatical changes the major proposed changes for the rule adoption are located in the text at the following sections:

Subchapter 1¹

1. Clarify that cross-acceptance and plan endorsement involves full participation of municipalities and the public, in addition to counties at N.J.A.C 5:85-1.2(b).
2. At N.J.A.C. 5:85-1.4 definitional changes that have been added, deleted or clarified in the following categories: general planning principles, cross-acceptance, and plan endorsement (charts below).

General planning principles

Add	Clarify	Delete
Written document	Center; Center boundary; Center designation or designated center; Consistency or consistent; Critical environmental sites	

¹In Subchapter 1 the word “final” has been replaced with “advanced” in all instances for terms regarding plan endorsement.

Cross-acceptance

Add	Delete	Clarify
Infrastructure Needs Assessment		Cross-Acceptance Manual; draft Final State Development and Redevelopment Plan; Final State Development and Redevelopment Plan; Impact assessment; Impact assessment; State Development and Redevelopment; Statement of Agreements and Disagreements.

Plan Endorsement

Add	Delete	Clarify
Advanced petition	Final petition	Initial petition; Map amendment; Minor map amendment; Petition; Petitioner; Plan Endorsement Contract; Plan Endorsement Guidelines; Plan endorsement process or plan endorsement or endorsement; Planning and Implementation Agreement

3. Language added at N.J.A.C. 5:85-1.5(b), to specify that technical assistance may be in the form of a Cross-Acceptance Manual and Plan Endorsement Guidelines issued by the State Planning Commission.
4. At both N.J.A.C. 5:85-1.6 and N.J.A.C. 5:85-1.7, technical changes have been made to clarify public participation and notice mechanisms.

SUBCHAPTER 1. GENERAL PROVISIONS

5:85-1.2 Purpose and authority

(a) This chapter is adopted by the State Planning Commission pursuant to N.J.S.A. 52:18A-203 in order to establish an orderly and efficient process for the preparation, adoption, and implementation of the State Development and Redevelopment Plan. In support thereof, it is determined that in order to fulfill the purposes and to satisfy the requirements of the State Planning Act, it is necessary and appropriate that:

1. The cross-acceptance, **plan endorsement, and map amendment** processes be structured so as to establish vertically **and horizontally** integrated and [compatible] **consistent** local, county, regional and State plans;

2. The [counties participate in cross-acceptance and that the] State Planning Commission take all reasonable steps to ensure municipal, county and public participation **in cross-acceptance and in plan endorsement; and**

3. The detail and substance of the Preliminary State Development and Redevelopment Plan be enhanced by early and direct county, municipal and public participation[; and].

[4. The State Planning Commission prepare rules pursuant to authority granted by N.J.S.A. 52:18A-202 and 203 of the State Planning Act, which establish detailed procedures for the participation of appropriate governmental units at all levels in the formulation and implementation of the State Development and Redevelopment Plan.]

(b) State Planning Commission action pursuant to these rules represent determinations of overall consistency with the State Development and Redevelopment Plan. These actions do not serve to either "validate" or "invalidate" a specific code, ordinance, administrative rule, regulation or other plan implementation mechanism.

5:85-1.3 Applicability

This chapter shall apply to all activities and actions of municipal and county governments, the State Planning Commission, **regional and** State Agencies, [and any] negotiating [entity] **entities, and petitioners** [designated by the Commission in the preparation, review and implementation of] **concerning** the State Development and Redevelopment Plan.

5:85-1.4 Definitions

The following terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Advanced petition” means the optional submission to the State Planning Commission by a petitioner of one or more of its adopted planning efforts, other than those plans and other materials that are required to be submitted as part of an initial petition for plan endorsement. An advanced petition must contain the information required to be submitted to the State Planning Commission pursuant to N.J.A.C. 5:85-7.7 in order for a petitioner to obtain advanced plan endorsement. A petitioner may submit an advanced petition either with an initial petition or after an initial petition has been endorsed by the State Planning Commission. A petitioner may submit additional advanced petitions as it adopts additional planning efforts. The State Planning Commission shall only endorse an advanced petition if it is consistent with the State Development and Redevelopment Plan and if the petitioner’s initial petition either has been endorsed by the State Planning Commission or is being endorsed simultaneously with the advanced petition if the petitioner has submitted an advanced petition at the same time as the initial petition.

“Center” means **an efficient and compact form of development having [with] one or more **mixed-use** cores and residential neighborhoods **and green spaces**. **Center designations are based on the area, population, density, and employment of the center being considered and features of the surrounding areas.** Centers can range in scale from **very large**, an Urban Center[, to a Regional Center, Town Center, Village, or] ,to **[the] smallest**, a Hamlet. **Centers range in scale in the following order: Urban, Regional, Town, Village, and Hamlet. Descriptions [Definitions] and criteria for designating each [these] type[s] of center[s] are located in the New Jersey State****

Development and Redevelopment Plan. [Centers in Fringe, Rural and Environmentally Sensitive Planning Areas must be surrounded by a center boundary distinguishing the center from its environs. Centers in Metropolitan and Suburban Planning Areas and the Environmentally Sensitive/Barrier Island Planning Area may have a center boundary, although a center boundary is encouraged in the Suburban Planning Area, where environs exist to be protected. Designated Centers endorsed by the State Planning Commission are eligible for priority and technical assistance.]

“Center boundary” means the line between a center and its environs. The boundary is defined by physical features, such as rivers, roads, or changes in the pattern of development or by open space, **environmentally sensitive features [areas]**, or farmland.

“Center designation” or “designated center” means a center that has been officially recognized as such by the State Planning Commission. Center designations only may occur [during the cross-acceptance process or] as part of the **plan endorsement process.**

...

"Consistency" or "consistent" means that the State Planning Commission determines that a municipal, county or regional plan, or amendment thereto, submitted for plan endorsement pursuant to Subchapter 7 or a map amendment submitted for approval

pursuant to Subchapter 8[, or regulation therein,] is [substantially] the same as or has the same effect as the [comparable] provisions in the State Development and Redevelopment Plan. [Said plan or regulation or provision has been reviewed for consistency pursuant to N.J.A.C. 5:85-7 and guidelines adopted by the State Planning Commission.] In determining consistency the State Planning Commission will consider the ability of the submitted plan to achieve the targets and indicators contained in the State Development and Redevelopment Plan that are applicable to the petitioner; the extent to which the activities listed to be undertaken in each planning area to achieve consistency with the State Development and Redevelopment Plan goals and implement Statewide policies have been or will be done; the consistency of the plan with applicable statutory and regulatory provisions; and whether the plan is based on current information and data. Consistency will be evaluated based on all the provisions of the State Development and Redevelopment Plan with particular emphasis on the following provisions:

1. The Statewide goals, policies and strategies;
2. The policies that apply to all planning areas;
3. The intentions for each relevant planning area;
4. The policy objectives for each relevant planning area;
5. If any change to a planning area boundary is proposed, the delineation criteria, intent and policy objectives for each planning area impacted by any boundary change;
6. The delineation criteria and intent for Critical Environmental Sites and Historic and Cultural Sites;

7. If there is a designated center or a center is proposed for designation, the policies for centers, including the center design policies, and environs; and
8. If a center is proposed to be designated or a change to the boundary of a designated center is proposed, the criteria for designating the type of center that is proposed to be designated or modified.

...

“Critical environmental site” (CES) means an area generally less than a square mile, **which** includes one or more environmentally sensitive features [and is recognized by the State Planning Commission] **located** either [within designated centers or] outside of environmentally sensitive planning areas established by the State Development and Redevelopment Plan or within designated centers located within such planning areas.

“Cross-Acceptance Manual” means a document adopted [prepared] by the State Planning Commission pursuant to N.J.A.C. 5:85-2.3 for the purpose of guiding negotiating entities through the cross-acceptance process. The manual shall contain, at a minimum, a sample work program, a draft schedule, a sample negotiation agenda, and an outline for the [sample] Cross-Acceptance Report.

"Cross-acceptance **process**" or "cross-acceptance [process]" means [the] a process of ~~compar~~compar[ing][ison of] **planning policies** among government levels with the purpose of obtaining [compatibility] **consistency** between [the provisions and maps of] municipal, county, [and] regional, **and State plans and the State Development and Redevelopment Plan.** [and regulations with the State Development and Redevelopment Plan and the dialogue which occurs among participants during and after this process to achieve consistency among plans.]

["Cross-Acceptance Manual" means a document prepared by the Office of State Planning for the purpose of guiding negotiating entities through the cross-acceptance process. The manual shall contain, at a minimum, a prototype work program and schedule, and a final report outline and instructions.]

"Cross-Acceptance Report" means a written statement submitted by the negotiating entity to the State Planning Commission describing the findings, recommendations, objections, and other information as set forth in the Cross-Acceptance Manual[, resulting from the comparison of plans by the negotiating entity]. **The Cross-Acceptance Report can also be submitted by a municipality pursuant to N.J.A.C. 5:85-3.6 or by a regional entity or State agency pursuant to N.J.A.C. 5:85-3.7.**

...

[“Designated center” means a center that has been officially recognized as such by the State Planning Commission.]

“Display ad” means a notification of a public meeting or hearing **in one or more newspapers, other than a legal advertisement,** to be conducted by the Office of **Smart Growth or the State Planning Commission** [State Planning, or it can be a notification for a map amendment filed by any individual, organization or State agency] **pursuant to these rules.** For public meeting or hearing, it shall contain the date of the meeting or hearing, the time of the meeting or hearing, the location of the meeting or hearing and the subject matter of such public meeting or hearing. [For map amendment notifications, it shall contain the date of filing, by whom, and the subject matter of the filling.] The advertisements must be of at least four inches in width in a newspaper of general circulation in the jurisdictions to which the meeting, hearing or petition pertains.

“Draft Final State Development and Redevelopment Plan” means a draft of the Final State Development and Redevelopment Plan that has been released for public comment by the State Planning Commission following the cross acceptance process. The Draft Final State Development and Redevelopment Plan Is the same document as the Interim State Development and Redevelopment Plan that is also referenced in the State Planning Act.

“Endorsed plan” means a municipal, county or regional plan which has been approved by the State Planning Commission for initial or advanced plan endorsement as

a result of finding it consistent with the State **Development and Redevelopment** Plan, pursuant to N.J.A.C. 5:85-7 [and guidelines for plan endorsement adopted by the State Planning Commission].

“Environs” means [the area] **parts of the municipality or municipalities** outside the center boundaries.

“Environmentally sensitive features” means natural attributes or characteristics whose function as part of a natural system or landscape is considered integral or important. For example, a coastal dune and beach system is an environmentally sensitive feature as is an area of critical habitat or a stream corridor. [Environmentally sensitive features are the criteria for mapping the Rural/Environmentally Sensitive Planning Area, Environmentally Sensitive Area Planning Area, Environmentally Sensitive/Barrier Islands Planning Area and Critical Environmental Sites.] Environmentally sensitive features of Statewide or regional significance may also be part of the criteria for identification of a Special Resource Area.

[“Final petition” means the submission required by the State Planning Commission to obtain plan endorsement. A final petition must be consistent with the State Development and Redevelopment Plan.]

“Final State Development and Redevelopment Plan” means the plan that the State Planning Commission adopts after releasing and receiving comments on the

draft Final State Development and Redevelopment Plan which upon adoption becomes the official State Development and Redevelopment Plan that sets forth Statewide planning policies and serves as the official blueprint for development and redevelopment in New Jersey.

["Final report" means a written statement submitted by the negotiating entity to the State Planning Commission describing the findings, recommendations, objections, and other information as set forth in the Cross-Acceptance Manual, resulting from the comparison of plans by the negotiating entity.

"Functional State agency" means the following Departments of the State of New Jersey and any division, office or other subdivision of such Departments:

1. Agriculture;
2. Banking;
3. Board of Public Utilities;
4. Commerce, and Economic Growth;
5. Community Affairs;
6. Corrections;
7. Defense;
8. Education;
9. Environmental Protection;
10. Health and Senior Services;

11. Higher Education;
12. Human Services;
13. Insurance;
14. Labor;
15. Law and Public Safety;
16. Personnel;
17. Public Advocate;
18. State;
19. Transportation; and
20. Treasury]

"Goal" or "goals" means a desired state of affairs to which planned effort is directed. The goals of the **State Development and Redevelopment** Plan are general statements of values derived from the State Planning Act of 1986 and public comments.

"Historic and cultural site" (HCS) means a site of generally less than a square mile, which includes features or characteristics that have inherent cultural, historic or aesthetic significance of local, regional or Statewide importance. Such features include, but are not limited to, historic sites and districts, greenways and trails, [parks,] dedicated open space, pre-historic and archaeological sites, scenic vistas and corridors, natural landscapes of exceptional aesthetic or cultural value.

[“Identified center” means a place identified during cross-acceptance as having the attributes of a potential center.]

“Impact assessment” means the assessment of the economic, environmental, infrastructure, community life and intergovernmental coordination of the draft Final State Development and Redevelopment Plan required by the State Planning Act and N.J.A.C. 5:85-4.7. [The assessment should depict results with and without the State Development and Redevelopment Plan scenarios.]

“Infrastructure Needs Assessment” means the assessment of present and prospective conditions, needs and costs with regard to State, county, and municipal capital facilities, including water, sewerage, transportation, solid waste, drainage, flood protection, shore protection and related capital facilities required to be part of the State Development and Redevelopment Plan by the State Planning Act and Subchapter 5.

“Initial petition” means the information [measures] required to be submitted to [by] the State Planning Commission pursuant to N.J.A.C. 5:85-7.4 in order for a petitioner to obtain initial [initiate a petition for] plan endorsement. An initial petition must be [substantially] consistent with the State Development and Redevelopment Plan in order to be endorsed by the State Planning Commission.

[“Interim State Development and Redevelopment Plan” or “Interim Plan” means the document, including maps, appendices and other material included by reference, that reflects the changes made in the Preliminary State Development and Redevelopment Plan by the State Planning Commission pursuant to the State Planning Act, N.J.S.A. 52:18A-202.1.]

“Map amendments” means the changes in the State Plan Policy Map initiated by the State Planning Commission in response to new data or that result from approval by the State Planning Commission of a petition for a map amendment pursuant to Subchapter 8 or approval by the State Planning Commission pursuant to Subchapter 7 of [action on] a petition for initial or advanced [final] plan endorsement which includes a proposed [or a petition for] map amendment.

...

“Minor map amendment” means an amendment to the State Plan Policy Map which [which is less than 10 percent of the acreage of a planning area within a municipality but not exceeding 100 acres, or five percent of the area of a center, or, if an existing CES or HCS, less than 25 percent of the area but not exceeding 10 acres, or if a new CES or HCS of less than five acres or involving the deletion of an identified or proposed center] **does not exceed 100 acres [and involves no more than 10 different owners of lots as shown on current tax records].**

["Municipal report" means a cross-acceptance report prepared by a municipality and filed with the Office of State Planning pursuant to N.J.S.A. 5:85-3.10.]

...

"Negotiating entity" or "**negotiating entities**" means a county, or where a county has declined to participate in the cross-acceptance process, some other entity designated by the State Planning Commission to [carry out cross-acceptance] **compare and negotiate the Preliminary State Development and Redevelopment Plan.**

"Negotiation" means the **public** dialogue [which occurs among participants during the period of cross-acceptance which could lead to a state of consistency or compatibility in their plans] **between negotiating entities and the State Planning Commission to arrive at a Statement of Agreement and Disagreements.**

"Negotiation session" means a session during which the duly authorized representatives of the State Planning Commission and a negotiating entity[, or] **and any** municipality that has [filed an individual municipal] **submitted a Cross-Acceptance Report** [report], engage in a dialogue with the purpose of attaining [compatibility regarding issues found in reports filed pursuant to N.J.A.C. 5:85-3.9 and 3.10] **the highest degree of agreement on identified issues.**

...

["Objective" means a more specific articulation of a goal formulated in a manner which enables it to be the object of action.]

“Office of [State Planning website] Smart Growth” means the Office in the Department of Community Affairs that staffs the State Planning Commission and provides planning and technical assistance as requested. The Office of Smart Growth serves the same functions as the Office of State Planning (N.J.S.A. 52:18A-201). The Office of Smart Growth web site is www.njsmartgrowth.com.

"Period of Cross-Acceptance" means that period of time extending from date of release of the Preliminary State Development and Redevelopment Plan by the Commission to [30 days beyond the last of six public hearings held by the State Planning Commission pursuant to N.J.S.A. 5:85-5.2(a)] **the release of the Statement of Agreements and Disagreements.**

“Petition” means either a formal request for initial or advanced [final] plan endorsement or an amendment to an endorsed plan by a municipality[ies], a county[ies] and a regional agency [entities] or any grouping thereof submitted to the State Planning Commission for review for consistency with State Development and Redevelopment Plan pursuant to Subchapter 7 [and/] or a formal request by an entity other than a municipality, county or regional agency for a proposed map

amendment in an area[s without] that is not subject of an endorsed plan[s] pursuant to Subchapter 8.

“Petitioner” means [either] a municipality, county, regional agency [entity] or any grouping thereof seeking initial or advanced [final] plan endorsement or an amendment to an endorsed plan pursuant to Subchapter 7 or an entity other than a municipality, county or regional agency [entity] seeking an amendment to the State Plan Policy Map for an area that is not subject of an endorsed plan pursuant to Subchapter 8.

“Plan” means the legally adopted planning document **of a governmental entity** submitted for endorsement, as well as the various plan elements, planning studies, and documentation used to prepare or implement it.

[“Plan endorsement” means the process undertaken by regional agencies, counties and municipalities to have master plans, municipal strategic revitalization plans, urban complex strategic revitalization plans, and regional strategic plans endorsed by the State Planning Commission.]

[“Plan endorsement agreement” is the agreement between a petitioner for plan endorsement and the State Planning Commission setting forth the obligations and responsibilities to further plan consistency and implementation.]

“Plan Endorsement Contract” means an agreement entered into between the State Planning Commission and the petitioner seeking plan endorsement. The Contract [agreements] sets forth the actions [and schedule] considered necessary to have the plan endorsed, -a schedule and the regulatory [any regulation] and priority funding benefits that the petitioner is eligible upon [for as a result of] having [initiated] the petition for plan endorsement approved by the State Planning Commission. A Plan Endorsement Contract is optional for initial petitions for plan endorsement and is required for advanced petitions for plan endorsement.

“Plan Endorsement Guidelines” means a document issued [prepared] by the State Planning Commission for the purpose of guiding petitioners through the plan endorsement process.

“Plan endorsement process” or “plan endorsement” or “endorsement” means the process undertaken by a municipality, county or regional agency[ies, counties, counties] and municipalities or any grouping thereof, to petition the State Planning Commission for a determination of consistency of the submitted plan with the State Development and Redevelopment Plan.

“Planning area” means an area of greater than one square mile that shares a common set of conditions, such as population density, infrastructure systems, level of development, or environmental sensitivity. The State **Development and Redevelopment** Plan sets forth [Policy Objectives] **planning policies** that guide growth

in the context of those conditions. [Planning areas are intended to guide the application of the Plan's Statewide Policies, as well as guiding local planning and decisions on the location and scale of development within the Planning area.]

“Planning and Implementation Agreement” means an agreement [document prepared] between the State Planning Commission and the petitioner that outlines how it [the endorsed petition] proposes to achieve the goals and visions described in the endorsed plan and a schedule therefore and specifies technical and financial assistance that will be available from State agencies to help advance the implementation of the plan.

"Policy" means a general rule for action focused on a specific issue, derived from more general goals[, objectives] and strategies. Some policies can be implemented directly through institutional procedures or regulations, others require the establishment of more specific and extensive plans[,] or programs[, or standards].

“Preliminary State Development and Redevelopment Plan” means the document, including maps, appendices, and other material included by reference approved by the State Planning Commission as the basis for [the Comparison Phase of cross-acceptance] comparing and negotiating with the negotiating entities and the State Planning Commission.

[“Proposed center” means a place that is surrounded by a center boundary and meets center criteria and is included in either a negotiating entity or municipal cross-acceptance report.]

“Prior center designations” or “previously designated centers” means a center designated pursuant to the State Planning Rules in effect prior to the adoption of these rules that was not designated as part of the an endorsed plan.

...

“Regional strategic plan” means a plan developed through a partnership of State, county, regional and municipal agencies for labor markets or other areas that defines the needs, opportunities, vision and regional [objectives and] strategies for land use, redevelopment, economic development, housing, public facilities and services, environmental protection and conservation, intergovernmental coordination and quality of community life.

["Standard" means a criterion that defines the meaning of a policy by providing a way to measure its attainment. A standard is specified whenever a particular outcome is desirable or well-established.]

“State agency” [and “State entity”] means an agency of the State government, including authorities and cabinet departments, commissions, authorities and State colleges among others.

"State Development and Redevelopment Plan" [(SDRP) or “State Plan”] means the plan prepared and adopted pursuant to the State Planning Act **that sets forth Statewide planning policies and serves as the official blueprint for development and redevelopment in New Jersey.**

[“State entity” see “State agency”.]

“State Plan Policy Map” [(SPPM) or "Policy Map"] means the geographic application of the State **Development and Redevelopment** Plan goals, **strategies**, and policies and **is comprised of series of maps corresponding to the 1:24,000 scale United States Geological Survey (U.S.G.S.) 7.5 minutes topographic quadrangle maps. The State Plan Policy Map serves as** the official map of [these goals and policies] **the State Development and Redevelopment Plan. [It] Each quadrangle map includes at a minimum** planning areas, **including changes made in the plan endorsement process, endorsed plans**, [environs and] **designated centers, cores, and nodes** as well as other areas including critical environmental sites, historic and cultural sites, **parks and natural areas, military installations, the certification signature, and appropriate initialing of revisions, if any, by the Secretary of the Commission,** and

the text for each planning area and its [policies objectives] **planning policies**. [The Policy Map is comprised of 1:24,000 scale maps].

“Statement of Agreements and Disagreements” means the document approved by the State Planning Commission pursuant to N.J.A.C. 5:85-4.6, which detail [the negotiating entities and the State Planning Commission have reached] the highest degree of agreement that is generated during the negotiation of plans between each negotiating entity and the State Planning Commission’s negotiating committee.

“Strategic revitalization plan” means a plan by a [neighborhood,] municipality, group of municipalities or an Urban Complex that assesses community strengths and weaknesses, defines overall physical and social strategies to promote regional efficiencies and cooperation, defines physical and social strategies for creating interjurisdictional coordination and cooperation, specifies physical and social strategies to target public investments for greatest efficiency and impact and satisfies applicable State agency application requirements to receive expedited consideration for State funding and technical assistance.

"Strategy" means a general course of action, [linking] **which links more general goals of the State Development and Redevelopment Plan with more specific** [and objectives of the Plan with Plan] policies.

...

["Utilities authority" means local utility which is any sewerage authority created pursuant to the "Sewerage Authorities Law," N.J.S.A. 40:14A-1 et seq.; any utilities authority created pursuant to the "municipal and county utilities authority law" N.J.S.A. 40:14B-1 et seq.; or any utility, authority, commission, special district or corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides for gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof, or a Public utility which is any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to N.J.S.A. 48:2-13.]

"Written notice" means notice that is provided either electronically or by first class mail.

5:85-~~1.5 Technical~~1.5 Technical assistance from the Office of [State Planning during cross-acceptance] **Smart Growth**

(a) [During the cross-acceptance process, the] **The** Office of [State Planning] Smart Growth shall provide technical assistance to negotiating entities and [municipalities] **petitioners** as may be needed to fulfill their responsibilities under these rules.

(b) Technical assistance may be in the form of a [cross-acceptance manual] **Cross-Acceptance Manual and Plan Endorsement Guidelines issued by the State Planning Commission**, advice and consultation on plan comparisons, assistance with population and employment projections and distribution, and other assistance [as may be requested by the negotiating entity which is] within the resources of the Office of [State Planning] Smart Growth.

5:85-~~1.6~~-Public 1.6 Public participation [during the cross-acceptance process]

(a) Public participation shall include oral or written comments concerning cross-acceptance, plan endorsement, and map amendments presented before or during the public comment period at the meetings of the State Planning Commission or any committee thereof, and at any public hearings conducted pursuant to these rules. All applicable meetings or hearings shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(b) Any member of the public can request notice of meetings or hearings, subsequent documents concerning a particular matter pending before the State Planning Commission, and any action taken by the State Planning Commission or the Office of Smart Growth pursuant to these rules by registering with the Office of Smart Growth in the following manner:

1. Filing a written request for such notice and document specifying subject matter requested; and

2. Providing name, organization, if any, address, phone and fax numbers, and email address.

[(a).] (c) Cross-acceptance is intended to be an open and thorough dialog that involves not only governments but the public at-large as well. The State Planning Commission considers an inclusionary approach to cross-acceptance critical to the success of the process. To that end, **the State Planning Commission and** each negotiating entity shall provide meaningful opportunities for public participation during cross-acceptance [and include a plan for public participation in the work program submitted to the Office of State Planning pursuant to N.J.A.C. 5:85-3.5. All applicable meetings and hearings during cross-acceptance shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. (b)] At a minimum, the public may participate in cross-acceptance through the following means:

[1. Comments presented during the public comment period at the regular monthly meetings of the State Planning Commission and at any special public hearings conducted pursuant to these rules;]

1. Public comment pursuant to N.J.A.C. 5:85-2.2(a) as to what changes, if any, are appropriate in the State Development and Redevelopment Plan prior to the preparation and release of a Preliminary State Development and Redevelopment Plan;

2. Public comment at negotiation sessions conducted pursuant to N.J.A.C. 5:85-4;

[2]3. Submission of written comments to the State Planning Commission at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. 5:85-5.2;

[3]4. Written [or verbal] communication with negotiating entities or municipal or [and/or][1] county officials involved in cross-acceptance;

[4. Public comment at negotiation sessions conducted pursuant to N.J.A.C. 5:85-4;]

5.-6. (No change.)

(d) The State Development and Redevelopment Plan is a Statewide policy document—it is an expression of Statewide intent and articulates the planning policies that will be needed to reach the goals of the State Planning Act. Local application of these policies occurs through the Plan Endorsement process. At a minimum, the public may participate in plan endorsement through the following means:

1. Public comment to the State Planning Commission and its committees when a petitioner is seeking approval from the State Planning Commission pursuant to Subchapter 7 of an initial or advanced [and a final] petition for plan endorsement or an [and when a petitioner is seeking] amendment[s] to an endorsed plan[s] pursuant to N.J.A.C. 5:85-7.4, 7.7, and 7.14];
2. Written communication with petitioners officials seeking plan endorsement; and
3. Submission of written comments to the Executive Director of the Office of Smart Growth at any time up to 30 days after any [the] public hearing conducted pursuant to N.J.A.C. 5:85-7.5(e), 7.8(e), 7.13(b) or 7.14(g).

(e) The State Plan Policy Map is the geographic application of the State Development and Redevelopment Plan goals, strategies, and policies. Petitions to amend the State Plan Policy Map seek to demonstrate that the proposed change better reflects the goals, strategies, and policies of the State Development and Redevelopment Plan. At a minimum, the public may participate in map amendments through the following means:

1. **Public comment to the State Planning Commission and its committees when the State Planning Commission is proposing a map amendment pursuant to N.J.A.C. 5:85-8.3(a) or when a petitioner is seeking a map amendment pursuant to N.J.A.C. 5:85-8.3(c);**
2. **Written communication [comments] with petitioners seeking map amendments; and**
3. **Submission of written comments to the Executive Director of the Office of Smart Growth at any time up to 30 days after the public hearing conducted pursuant to N.J.A.C. 5:85-8.5(e).**

5:85-1.7 Public notice requirements

(a) At least 60 days prior to the release of approval of a Preliminary State Development and Redevelopment Plan pursuant to N.J.A.C. 5:85-2, the Office of Smart Growth shall seek comments:

1. **By posting information concerning the intention to approve a Preliminary State Development and Redevelopment Plan on the Office of Smart Growth web site;**

2. By providing written notice to all persons or organizations who have registered with the Office of Smart Growth to receive public notice concerning the preparation and adoption of the State Development and Redevelopment Plan pursuant to N.J.A.C. 5:85-1.6(b); and

3. By providing written notice to all mayors, county executives and administrators and all municipal and county clerks, boards of chosen freeholders [governing bodies] and planning boards and appropriate regional, State, and Federal agencies.

(b) Except for meetings for which public notice is given pursuant to the Open Public Meetings Act, N. J. S. A. 10:4-6 et seq., public notice of meetings or hearings conducted by the State Planning Commission or the Executive Director of the Office of Smart Growth pursuant to these rules shall be provided as follows:

1. By posting on the Office of Smart Growth web site;
2. By publishing a display ad or legal advertisement in at least one newspaper of general circulation in the area in which the meeting or hearing will be held;

3. By providing written notice to all persons or organizations who have registered with the Office of Smart Growth to receive public notice of meetings or hearings concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b);

4. By providing written notice to appropriate regional, State, and Federal agencies;

5. If the public notice concerns a meeting regarding cross-acceptance pursuant to N.J.A.C. 5:85-3 or 4:

- i. By providing written notice to the negotiating entity;**
- ii. By providing written notice to the mayor, governing body, clerk and planning board of any municipality which is a subject of the negotiations; and**
- iii. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board if the county is not the negotiating entity;**

6. If the public notice concerns a meeting or a hearing regarding a petition filed pursuant to N.J.A.C. 5:85-7 or 8:

- i. By providing written notice to the petitioner;**
- ii. By providing written notice to the mayor, [governing body,] clerk and planning board of any municipality in which property that is the subject of the petition is located if the municipality is not the petitioner; and**

iii. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county in which property that is subject of the petition is located if the county is not the petitioner; and

7. If the public notice concerns a minor map amendment proposed by the State Planning Commission, by providing written notice to all owners of property that is subject of the petition and all owners of property located within 200 feet of the property that is subject of the petition.

(c) In addition to the public notice provisions provided in (b) above, notice of hearings on the draft Final State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment held pursuant to N.J.A.C. 5:85-5.2(a) shall be placed at least 30 days in advance of the hearing in display ads [advertisements] in at least two newspapers which circulate in the area served by the hearing^[,] and provided with at least 30 days notice to the governing body and planning board of each county and municipality in the area served by the hearing.

(d) All public notices required to be given by a municipality or county pursuant to N.J.A.C. 5:85-3, 4 or 7 shall be provided as follows:

1. By publishing a standard legal advertisement in each official newspaper of the municipality or county required to give public notice;

2. By notifying the mayor, [governing body], clerk and planning board of any municipality that adjoins the municipality or county required to provide the public notice;

3. By notifying the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county that adjoins the municipality or county required to provide the public notice;

4. By notifying the State Planning Commission;

5. By notifying the Executive Director of the Office of Smart Growth;

6. If a municipality is required to provide public notice, by providing written notice to the municipal planning board, board of education, environmental commission, if any and each authority, board, commission, committee, and department involved in economic development, land use, infrastructure or resource protection in that municipality;

7. If a county is required to provide public notice, by providing written notice to the county planning board and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in that county; and

8. If a county is required to provide public notice, by providing written notice to the mayor, governing body, clerk and planning board of each municipality in that county.

(e) All public notices required to be given by a negotiating entity pursuant to N.J.A.C. 5:85-3 or 4 shall be provided as follows when the negotiating entity is not a county:

1. By publishing a standard legal advertisement in each official newspaper of the county or counties for which the negotiating entity is conducting cross-acceptance;

2. By notifying the mayor, [governing body], clerk and planning board of any municipality that adjoins the county or counties for which the negotiating entity is conducting cross-acceptance;

3. By notifying the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county that adjoins the county or counties for which the negotiating entity is conducting cross-acceptance;

4. By notifying the State Planning Commission;

5. By notifying the Executive Director of the Office of Smart Growth;

6. By providing written notice to the mayor, governing body, clerk and planning board, environmental commission, if any and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in the municipality for which plan endorsement is being sought; and

7. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk, county planning board and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in the county for which the negotiating entity is conducting cross-acceptance.

(f) All public notices required to be given by a petitioner for plan endorsement pursuant to N.J.A.C. 5:85-7 shall be provided as follows when the petitioner is not a county or municipality:

1. By publishing a standard legal advertisement in each official newspaper of each county or municipality for which the petitioner is seeking plan endorsement;

2. By notifying the mayor, [governing body], clerk and planning board of any municipality that adjoins any county or municipality for which plan endorsement is being sought;

3. By notifying the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county that adjoins any county or municipality for which plan endorsement is being sought;

4. By notifying the State Planning Commission;

5. By notifying the Executive Director of the Office of Smart Growth;

6. By providing written notice to the mayor, governing body, clerk, planning board, environmental commission, if any and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in the municipality for which plan endorsement is being sought; and

7. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk, county planning board and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in the county for which plan endorsement is being sought.

(g) Any entity [other than the State Planning Commission] petitioning for a map amendment pursuant N.J.A.C. 5:85-8 shall provide public notice as follows:

1. By publishing a standard legal advertisement in each official newspaper of each municipality and county in which the property that is the subject of the petition is located;

2. By providing written notice to the mayor, [governing body], clerk and planning board of each municipality in which the property that is the subject of the petition is located and of each municipality which adjoins the property that is the subject of the petition;

3. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county in which the property that is the subject of the petition is located and of each county which adjoins the property that is the subject of the petition;

4. If the petition is for a minor map amendment, by providing written notice to all owners of property that is subject of the petition and all owners of property within 200 feet of the property that is subject of the petition;

5. By notifying the State Planning Commission; and

6. By notifying the Executive Director of the Office of Smart Growth.

(h) Within five days of: being informed that notice has been provided pursuant to (d) through (g) above; receiving a completed petition pursuant to N.J.A.C. 5:85-7 or 8; or the issuance of the Executive Director's report on a petition submitted pursuant to N.J.A.C. 5:85-7 or 8 or the issuance of a monitoring report by the Executive Director of the Office of Smart Growth, the Office of Smart Growth shall:

1. Post information concerning said notice, petition, or report on the Office of Smart Growth web site;

2. Provide written notice concerning said notice, petition, or report to all persons or organizations who have registered with the Office of Smart Growth to receive public notice concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b); and

3. Provide written notice concerning said notice, petition, or report to appropriate regional, State, and Federal agencies.

(i) Within 45 days of the State Planning Commission adopting the Final State Development and Redevelopment Plan pursuant to N.J.A.C. 5:85-5 or acting on a

petition pursuant to N.J.A.C. 5:85-7 or 8, the Office of Smart Growth shall provide notice of that action:

1. By posting information concerning said notice on the Office of Smart Growth web site;

2. By providing written notice to all persons or organizations who have registered with the Office of Smart Growth to receive public notice concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b);

3. By providing written public notice to appropriate regional, State, and Federal agencies;

4. By placing notice of the action by the State Planning Commission in the New Jersey Register;

5. If the public notice concerns adoption of the Final State Development and Redevelopment Plan, by providing written notice to all mayors, county executives and administrators and all municipal and county clerks, governing bodies and planning boards; and

6. If the public notice concerns action on a petition pursuant to N.J.A.C. 5:85-7 or 8:

i. By providing written notice to the mayor, [governing body], clerk and planning board of any municipality in which property that is the subject of the petition is located if the municipality is not the petitioner; and

ii. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county in which property that is subject of the petition is located if the county is not the petitioner.

(j) All public notice of meetings or hearings provided pursuant to (b) and (d) through (g) above shall be provided at least 10 days in advance of the meetings or hearings and shall provide the time, date, location, and purpose of the meeting or hearing. The public notice shall also specify that the public can comment orally at the meeting or hearing or submit written comments within a specified time period. Written notice may be provided electronically, by facsimile copy, by the United States Postal Service or other comparable delivery system.